

Remarks

Claim 14 has been amended to cure the informalities in the claim language. No new matter has been added by this amendment. Claim 24 has previously been cancelled. Claims 1-13 have previously been withdrawn. Thus, claims 14-23 and 25-30 are pending in the present application.

Claims Rejections – 35 U.S.C. § 103

Claims 14-30 have been rejected under 34 U.S.C. § 103(a) as being unpatentable over Walker *et al.*, U.S. Patent No. 5,779,549 (“Walker”), in view of Moody, U.S. Pub. No. 2002/0093136 (“Moody”).

An obviousness rejection under §103 requires that all the limitations of a claim must be taught or suggested by the prior art. M.P.E.P. § 2143.03 (citing *In re Royka*, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974)). A *prima facie* case of obviousness, *inter alia*, requires:

- (i) a “suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings,” and
- (ii) that “the prior art reference[s] . . . must teach or suggest all the claim limitations.”

See M.P.E.P. § 2143 (citing *In re Vaeck*, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991)).

As stated in the Office Action dated April 23, 2004, Walker discloses a system 100 for providing tournaments among players of games devices. There are a plurality of gaming devices 104,106 identified as personal computers. The gaming devices are adapted for communication over a network 108. The gaming devices communicate to at least one server 102, the server having access to databases that store player information and information pertaining to a gaming tournament. *See, e.g.*, col. 5, lls. 32-40. As the Office Action states, Walker lacks “the ability for players to select awards from their personal computers via a web page.”

Moody discloses a method for operating an **individual** gaming machine by a casino. *See* Moody at ¶¶ 3, 7, 11, 13, 15, 22-23, 29, 42, 53-56, *etc.* The gaming machines in Moody are stand-alone machines and are not linked with other machines.

Neither Walker, Moody, nor the combination thereof discloses, teaches, or suggests the Applicant's claimed invention. Walker does not teach or suggest grouping the game devices into at least one collective award pool as specifically claimed by the Applicant in claims 14 and 23. Further, as the Office Action states, Walker does not disclose the ability to select awards via a web page as specifically claimed by the Applicant in claim 14. Additionally, Walker does not suggest grouping the game devices based on their locations as specifically claimed by the Applicant in claim 23.

These deficiencies are not overcome merely by attempting to combine the wagering games of Moody with Walker's games. Moody fails to disclose, teach, or suggest grouping devices in any way whatsoever. Moody particularly fails to describe: (1) grouping the devices based on their locations; or (2) grouping the devices into at least one collective award pool, as specifically claimed by the Applicant in claims 14 and 23.

In the Final Office Action dated November 30, 2004, the Examiner states that “[t]he contentions focusing on [sic] grouping based on location and collective award are not persuasive because; again, these arguments are not commensurate in scope with the breadth of the claim language.” Applicant respectfully disagrees. In fact, both independent claim 14 and claim 23 require that the server be adapted to group the amusement game devices into at least one collective award pool. In addition, claim 23 requires that the server be adapted to group the amusement game devices based on the game device location. Thus, the breadth of the claim language is commensurate with the scope of Applicant's contentions. As discussed above, neither Walker nor Moody discloses, teaches or suggests grouping amusement games into at least one collective award pool or based on the game device location, as specifically claimed by the Applicant.

Consequently, the Applicants respectfully submit that a *prima facie* case of obviousness has not been made and that claims 14 and 23 are patentable over Walker in view of Moody under 35 U.S.C. § 103(a) for at least these reasons. Additionally, claims 15-22 and 25-30 are allowable as depending from claims 14 and 23 respectively. Therefore, the Applicant respectfully requests that the Examiner reconsider the rejection of the pending claims.

Conclusion

Thus, the Applicants respectfully submit that a *prima facie* case of obviousness has not been made and that claims 14-23 and 25-30 are patentable over Walker in view of Moody under 35 U.S.C. § 103(a) for at least the reasons discussed above.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated. Enclosed is Check No. 198833 in the amount of \$120.00 to cover the fee for the petition for extension of time and Check No. 198832 in the amount of \$790.00 to cover the fee for RCE. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Jenkens & Gilchrist, P.C. Deposit Account No. 10-0447 (47089-00040USPT). A duplicate copy of this Response is enclosed for that purpose.

Respectfully submitted,

By _____



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